

Joint Standing Committee on Legal and Veterans' Affairs

LD 212

**Resolve, Directing the Secretary of State To Study the Feasibility of
Instant Run-off Voting**

RESOLVE 117

| Sponsor(s) | Committee Report | Amendments Adopted |
|------------|------------------|--------------------|
| BULL | OTP-AM MAJ | H-751 |
| DAGGETT | ONTP MIN | |

LD 212 proposed to create the instant run-off voting method of determining winners in elections for President, Vice President, United States Senator, United States Representative to Congress, Governor, state Senator and state Representative. The method would simulate the ballot counts that would occur if all voters participated in a series of run-off elections that allows a voter to rank candidates according to that voter's preferences. Each voter would have only one vote for each office, and the ballot count would be the same as if voters participated in a series of run-off elections, with the weakest candidate eliminated after each round of counting. There would be an initial round of counting. If more than 2 candidates receive votes after the initial round, the Secretary of State would conduct an instant run-off round. In this instant run-off round, the Secretary of State would eliminate the candidate with the fewest votes. A ballot that would rank this eliminated candidate as the highest-ranked candidate would be counted as a vote for the highest-ranked, advancing candidate on that ballot. An advancing candidate would be a candidate who has not been eliminated. This process of counting votes and eliminating the candidate with the fewest votes would continue until 2 candidates remain. The candidate with the most votes would be declared the winner.

For the presidential and vice-presidential elections, the instant run-off voting method would be conducted to determine winners for the entire State as well as in each congressional district.

Committee Amendment "A" (H-751) proposed to replace the bill and create a resolve that would direct the Secretary of State to study the feasibility of implementing a system of instant run-off voting for the conduct of elections in the State.

Enacted Law Summary

Resolve 2003, chapter 117 directs the Secretary of State to study the feasibility of implementing a system of instant run-off voting for the conduct of elections in the State.

LD 507

**Resolve, To Allow the Town of Dennysville To Sue the State and
the Atlantic Salmon Commission for Breach of Contract**

ONTP

| Sponsor(s) | Committee Report | Amendments Adopted |
|------------|------------------|--------------------|
| GOODWIN | ONTP | |

LD 507

This resolve proposed to authorize the Town of Dennysville to sue the State for damages resulting from the Atlantic Salmon Commission's failure to ensure that after placing the weir in the Dennysville River water would be able to be drawn from the dry hydrant.

Joint Standing Committee on Legal and Veterans' Affairs

LD 578

**An Act To Increase the Sale of Lottery Tickets To Benefit
Conservation and Wildlife**

PUBLIC 516

| Sponsor(s) | Committee Report | Amendments Adopted |
|------------|------------------|--------------------|
| DUPLESSIE | OTP-AM MAJ | H-635 |
| BRYANT | ONTP MIN | |

LD 578 proposed to require the Department of Administrative and Financial Services, State Liquor and Lottery Commission to issue \$2, \$3 and \$5 wildlife lottery game tickets, in addition to the \$1 tickets currently offered, to benefit the Maine Outdoor Heritage Fund. The bill proposed to establish requirements for lottery agents regarding the sale of wildlife lottery game tickets. The requirements proposed would specify the number of different wildlife lottery game tickets the agent must offer based on the number of different instant tickets offered by the agent. The bill also proposed that a portion of revenues from the sale of wildlife lottery game tickets to promote the sale of those tickets.

Committee Amendment "A" (H-635) The amendment proposed to replace the bill and to increase the sales commission paid to agents for the sale of wildlife lottery tickets so that it would be one percentage point higher than the sales commission paid to agents for the sale of other instant tickets.

Enacted Law Summary

Public Law 2003, chapter 516 increases the sales commission paid to agents for the sale of wildlife lottery game tickets to benefit the Maine Outdoor Heritage Fund so that it is one percentage point higher than the sales commission paid to lottery agents for the sale of other instant tickets.

LD 640

**An Act To Reduce the Voting Age Qualification for State Primary
Elections for Voters Who Will Reach 18 Years of Age by the Time
of the General Election**

PUBLIC 577

| Sponsor(s) | Committee Report | Amendments Adopted |
|------------|------------------|--------------------|
| CUMMINGS | OTP-AM MAJ | H-637 |
| GAGNON | ONTP MIN | |

LD 640

This constitutional resolution proposed to reduce the voting age qualifications by 12 months, subject to approval at referendum.

Committee Amendment "A" (H-637) proposed to replace the resolution. It proposed to amend current law to allow someone who is not yet 18 years of age, but will be at the time of a general election, to vote in the immediately preceding primary election for the selection of candidates.

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Enacted Law Summary

Public Law 2003, chapter 577 amends current law to allow someone who is not yet 18 years of age, but will be at the time of a general election, to vote in the immediately preceding primary election for the selection of candidates.

LD 642

An Act To Ensure the Economic Viability of the Harness Racing Industry

**DIED IN
CONCURRENCE**

| Sponsor(s) | Committee Report | Amendments Adopted |
|------------|------------------|--------------------|
| USHER | ONTP MAJ | |
| PENDLETON | OTP-AM MIN | |

LD 642 proposed to expand wagering opportunities at racetracks in the State. This bill proposed to accomplish the following:

1. It would authorize the sale of pari-mutuel pools on live, simulcast or replayed horse races by commercial tracks; and
2. It would authorize the issuance to commercial tracks of licenses to conduct high-stakes beano.

Committee Amendment "A" (H-906) which was not adopted, proposed to replace the bill and would authorize the Chief of the State Police to issue a license to conduct high-stakes beano on non-Indian Territory to a federally recognized Maine tribe that is currently eligible but not operating high-stakes beano. The location of the games would be required to be within 45 miles of the tribe's land and at least 75 miles from the land of any other tribe conducting high-stakes beano. This amendment was not intended to allow the operation of games on land owned by the Passamaquoddy tribe in Albany Township.

House Amendment "A" to Committee Amendment "A" (H-912) which was not adopted, proposed to specify that smoking would be prohibited in public places where high-stakes beano is being conducted by a federally recognized Maine tribe on non-Indian Territory.

House Amendment "B" to Committee Amendment "A" (H-942) which was not adopted, proposed to remove the restriction that would prevent the Penobscot Nation from operating high-stakes beano on nontribal land.

House Amendment "C" to Committee Amendment "A" (H-945) which was not adopted, proposed to authorize the sale of pari-mutuel pools on live, simulcast or replayed horse races by commercial tracks. This amendment also proposed to authorize the sale of lucky seven or similar sealed tickets during those times when a commercial track is licensed to accept pari-mutuel wagers.

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LD 656

An Act to Allow Beverage Sales from Mobile Service Bars on Golf Courses

PUBLIC 579

| Sponsor(s) | Committee Report | | Amendments Adopted |
|------------|------------------|-----|--------------------|
| BROWNE | OTP-AM | MAJ | H-636 |
| MAYO | ONTP | MIN | |

LD 656 proposed to permit the Department of Public Safety, Bureau of Liquor Enforcement to license golf courses to serve liquor on courses from mobile service bars. The bill would establish the annual license fee for a mobile service bar at \$100 and limit sales from a mobile service bar to just malt liquor. It also proposed to require that a licensee ensure that malt liquor be served to only those engaged in a round of golf and that the operator of a mobile service bar successfully complete an alcohol server education course approved by the Bureau of Liquor Enforcement within the Department of Public Safety. The bill also proposed to require that the bureau revoke a license for a mobile service bar for violation of the liquor laws or any rule adopted by the bureau. The bill would provide for the repeal of the mobile service bar license provisions on January 1, 2006.

Committee Amendment "A" (H-636) proposed to specify that an operator of a mobile service bar must be at least 21 years of age and must have the ability to immediately contact the golf course's on-premises establishment for assistance when needed. The amendment would also specify that a patron of the golf course who operates a golf cart may not transport open containers of liquor across a public way.

House Amendment "A" to Committee Amendment "A" (H-773) which was not adopted, proposed to provide that malt liquor may be sold, served or dispensed from a mobile service bar only during a golf tournament in which all the players are 21 years of age or older.

Enacted Law Summary

Public Law 2003, chapter 579 permits the Department of Public Safety, to license golf courses to serve malt liquor on courses from mobile service bars. The annual license fee for a mobile service bar is \$100. It requires that a licensee ensure that malt liquor is served to only those engaged in a round of golf and that the operator of a mobile service bar successfully complete an alcohol server education course. Chapter 656 requires that the department revoke a license for a mobile service bar for violation of the liquor laws or any rule adopted by the department. The law also specifies that an operator of a mobile service bar must be at least 21 years of age, must have the ability to immediately contact the golf course's on-premises establishment for assistance when needed and specifies that a patron of the golf course who operates a golf cart may not transport open containers of malt liquor across a public way. Chapter 656 is repealed on January 1, 2006.

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LD 1027 **Resolve, Directing the Commission on Governmental Ethics and Election Practices To Adopt Rules Regarding Certain Election Practices** **ONTP**

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| Sponsor(s) LEMOINE | Committee Report ONTP | Amendments Adopted |
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LD 1027 proposed to amend the law regarding disclosure of campaign communications, specifically automated telephone calls and mass mailings made by or on behalf of a candidate in the 2 weeks before an election. The resolve proposed to direct the Commission on Governmental Ethics and Election Practices to adopt rules requiring that a copy of the transcript of the automated telephone call or a copy of the mass mailing be filed with the commission before the telephone call or the mailing is conducted, when that communication is conducted in the 2 weeks before an election. The resolve proposed to require the commission to make the transcript of the telephone call or copy of the mailing available for public inspection.

LD 1242 **An Act To Recognize the Regional Impact of Casino-style Gambling Facilities** **ONTP**

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|-----------------------|--|--------------------|
| Sponsor(s) LEMOINE | Committee Report ONTP MAJ OTP-AM MIN | Amendments Adopted |
|-----------------------|--|--------------------|

LD 1242 proposed to provide that before a facility at which casino-style gambling is conducted, the operation of such a facility must be approved by the legislative body or voters of the municipality in which the facility is to be located and the legislative body or voters of each municipality that abuts the municipality in which the facility is to be located.

LD 1339 **An Act To Amend the Laws Governing Campaign Finance** **PUBLIC 615**

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|---------------------------------|----------------------------|-----------------------------|
| Sponsor(s) CANAVAN GAGNON | Committee Report OTP-AM | Amendments Adopted H-828 |
|---------------------------------|----------------------------|-----------------------------|

LD 1339 proposed to amend the campaign finance laws by:

1. Requiring a political advertisement broadcast on television or radio to contain an image, if on television, and statement regarding the sponsorship of the ad, spoken by the candidate, treasurer of the candidate's authorized political committee, candidate's party committee or their agents or, if sponsored by a political action committee, the chief decision maker or treasurer of that political action committee or, if sponsored by an individual without any connection to the candidate or political action committee, that individual;

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2. Defining a payment made to a 3rd party, not an employee of the candidate, candidate's political committee or party committee or political action committee, as an expenditure for the purposes of reporting and requiring expenditures made to that person to be itemized by the amount, reason and date of the expenditure; and
3. Requiring reports made by candidates, political action committees and independent expenditures regarding contributions to contain, in addition to the name of the contributor, the occupation and place of business of the contributor. This requirement already exists for party committees.

Committee Amendment "A" (H-828) was the majority report of the committee and proposed to retain only the provision in the bill that defined a payment made to a 3rd party who is not an employee of the candidate, the candidate's political committee, the party committee or the political action committee as an expenditure for the purpose of reporting and the provision that requires expenditures made to such a person to be itemized by the amount of, reason for and date of the expenditure. The amendment proposed to strike a provision in current law that prohibits a broadcasting station within this State from broadcasting a communication made by a political action committee expressly advocating the election or defeat of a candidate unless that communication includes a statement that indicates that a copy of the report is available from the Commission on Governmental Ethics and Elections Practices. The communication would still be required to include the name and address of the political action committee that financed the communication.

Enacted Law Summary

Public Law 2003, chapter 615 defines payment made to a 3rd party who is not an employee of a candidate, a candidate's political committee, a party committee or a political action committee as expenditures for the purpose of reporting and requires that expenditures made to such a person be itemized by the amount of, reason for and date of the expenditure. Chapter 615 strikes a provision in current law that prohibits a broadcasting station within this State from broadcasting a communication made by a political action committee expressly advocating the election or defeat of a candidate unless that communication includes a statement that indicates that a copy of the report is available from the Commission on Governmental Ethics and Elections Practices. The communication is still required to include the name and address of the political action committee that financed the communication.

LD 1354

**An Act To Permit Video Gaming for Money Conducted by
Nonprofit Organizations**

**DIED BETWEEN
BODIES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|------------|------------------|--------------------|
| THOMPSON | OTP-AM MAJ | |
| GAGNON | ONTP MIN | |

LD 1354 proposed to allow the operation of video gaming terminals by nonprofit organizations that are eligible for games of chance licenses and that are exempt from federal tax under Internal Revenue Code, Section 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the tax code refer to charitable organizations, civic leagues, fraternal benefit societies, domestic fraternal societies and associations and veterans' organizations. Organizations that currently have licenses for electronic video machines but do not qualify under one of those code sections would be permitted to apply for an initial license while they seek the required federal tax status. The organization applying for the license must own or lease the premises on which the terminals would be placed and must use the premises for its charitable or nonprofit purpose. Video gaming terminal manufacturers, wholesalers and operators would be required to be licensed by the Chief of the State Police, following background investigations

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of the applicants and their major business partners. Local approval would be required for a license to operate video gaming terminals.

The bill proposes that the license specify the number of terminals allowed on the premises, and the maximum number of terminals allowed would be 5 per licensee. Terminals would be required to be licensed by the Chief of the State Police and would be required to be connected to a computer system operated by the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services. By the end of a 5-year phase-in period, this computer system would provide continuous on-line monitoring of video gaming terminal activity. Persons under 21 years of age would not be allowed to use the machines. Only members of the organization and their guests would be allowed to play. The maximum dollar amount for each play would be \$5 and the maximum payout would be \$1,250. Each game on each machine would be required to return at least 80% of wagers to players, calculated on an annual basis.

Net terminal income, which is income after payback to players, would be divided as follows: 8% to the State for payment into the Video Gaming Fund for administrative expenses, municipal revenue sharing and Public Education Fund revenue; 2% to the Compulsive Gambler Rehabilitation Fund; and 90% to the licensee.

Licenses would be issued for one year. Applicants for an initial license would pay the actual costs of processing the application and performing the background investigation.

Committee Amendment "A" (H-546) which was not adopted, proposed to restrict the types of nonprofit organizations eligible for a license to operate video gaming terminals. It proposed to remove from eligibility organizations that are exempt from federal tax under Internal Revenue Code, Sections 501(c)(3) and 501(c)(4). It would maintain organizations that are eligible for games of chance licenses and that are exempt from federal tax under Internal Revenue Code, Section 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the tax code refer to fraternal benefit societies, domestic fraternal societies and associations and veterans' organizations. The organization applying for the license would be required to own or lease the premises on which the terminals would be placed and would be required to use the premises for its charitable or nonprofit purpose.

Under this proposed amendment, video lottery terminals operated by organizations licensed under this amendment would be required to be owned or leased by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations. Video gaming terminal manufacturers, wholesalers and operators would be licensed by the Chief of the State Police, following background investigations of the applicants and their major business partners. Local approval would be required for a license to operate video gaming terminals. The amendment proposed to specify that local approval would also be required for renewal of a license to operate video gaming terminals and that municipal decisions would be subject to appeal to the Chief of the State Police in accordance with the Maine Administrative Procedure Act.

The license would specify the number of terminals allowed on the premises; the maximum number of terminals allowed would be 5 per licensee. Terminals would be connected to a computer system operated by the Director of the Bureau of Alcoholic Beverages and Lottery Operations. Persons under 21 years of age would not be allowed to use the machines. The amendment proposed to specify that if an organization's liquor license is suspended, the license to operate video gaming terminals would be suspended until the liquor license is reinstated. Only members of the organization and their guests would be allowed to play. The maximum dollar amount for each play would be \$5 and the maximum payout is \$1,250. Each game on each machine would be required to return at least 80% of wagers to players, calculated on an annual basis.

Net terminal income, which is income after payback to players, would be divided among the state, the municipalities, a compulsive gambling fund for prevention and treatment of compulsive gambling and the charitable

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organization. Two percent of the net terminal income would go to the Compulsive Gambler Rehabilitation Fund and 75% to the licensee. Twenty-three percent of the income would go to the State for payment into the Video Gaming Fund for administrative expenses not to exceed 2%; the rest of the Video Gaming Fund would be divided between municipal revenue sharing and the municipalities that host the organizations that operate video lottery terminals. Host municipalities would receive their share in proportion to the amount of revenue that would be generated by video gaming terminals in their municipality.

Licenses would be issued for one year. Applicants for an initial license would pay the actual costs of processing the application and performing the background investigation.

The amendment also proposed to specify that any rules put forth by the Bureau of Alcoholic Beverages and Lottery Operations and the Chief of the State Police to administer and enforce the laws related to video gaming by nonprofits would be major substantive rules.

The amendment also proposed to add an appropriations and allocations section.

Committee Amendment "B" (H-814) which was not adopted, was a revised version of the original committee amendment and proposed changes to the distribution of net terminal income, noted later in this summary.

This amendment proposed to restrict the types of nonprofit organizations eligible for a license to operate video gaming terminals. It would remove from eligibility, organizations that are exempt from federal tax under Internal Revenue Code, Sections 501(c)(3) and 501(c)(4). It would maintain organizations that would be eligible for games of chance licenses and that would be exempt from federal tax under Internal Revenue Code, Section 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the tax code refer to fraternal benefit societies, domestic fraternal societies and associations and veterans' organizations. The organization applying for the license would be required to own or lease the premises on which the terminals would be placed and would be required to use the premises for its charitable or nonprofit purpose.

Video lottery terminals operated by organizations licensed as proposed under this amendment would be required to be owned or leased by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations. Video gaming terminal manufacturers, wholesalers and operators would be licensed by the Chief of the State Police, following background investigations of the applicants and their major business partners. Local approval would be required for a license to operate video gaming terminals. The amendment proposed to specify that local approval would be also required for renewal of a license to operate video gaming terminals and that municipal decisions would be subject to appeal to the Chief of the State Police in accordance with the Maine Administrative Procedure Act.

The license would specify the number of terminals allowed on the premises; the maximum number of terminals allowed is 5 per licensee. Terminals would be connected to a computer system operated by the Director of the Bureau of Alcoholic Beverages and Lottery Operations. Persons under 21 years of age would not be allowed to use the machines. The amendment proposed to specify that if an organization's liquor license is suspended, the license to operate video gaming terminals is also suspended until the liquor license is reinstated. Only members of the organization and their guests would be allowed to play. The maximum dollar amount for each play would be \$5 and the maximum payout would be \$1,250. Each game on each machine would be required to return at least 80% of wagers to players, calculated on an annual basis.

Net terminal income, which is income after payback to players, would be divided among the state, the municipalities, a compulsive gambling fund for prevention and treatment of compulsive gambling and the charitable organization. The revised amendment provides that 23% of the income would go to the State for payment into the

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Video Gaming Fund for administrative expenses not to exceed 10%; the rest of the Video Gaming Fund would be divided between municipal revenue sharing and the municipalities that host the organizations that operate video lottery terminals. Host municipalities receive their share in proportion to the amount of revenue that is generated by video gaming terminals in their municipality.

Licenses would be issued for one year. The amendment proposed to reduce the fees proposed by the bill. The license fee for wholesalers, manufacturers and operators would be \$3,500. Applicants for an initial license would pay the actual costs of processing the application and performing the background investigation.

The amendment also proposed to specify that any rules put forth by the Bureau of Alcoholic Beverages and Lottery Operations and the Chief of the State Police to administer and enforce the laws related to video gaming by nonprofits would be major substantive rules.

The amendment also proposed to add an appropriations and allocations section.

House Amendment "A" to Committee Amendment "B" (H-830) which was not adopted, proposed to make 2 technical changes to ensure that the committee amendment would be internally consistent.

The first change would remove a reference to a phase-in period that was removed by Committee Amendment "B" and the 2nd change would clarify record-keeping concerning illegal machines and monetary control.

House Amendment "B" to Committee Amendment "B" (H-922) which was not adopted, proposed to require approval by the voters of a municipality or, in the case of an unincorporated place, approval by the voters of a county for the operation of video gaming terminals.

LD 1361

An Act To Support Harness Horse Racing in Maine, Equine Agriculture in Maine, Maine Agricultural Fairs and the General Fund of the State

INDEF PP

Sponsor(s)
GAGNON
CLARK

Committee Report
RECEIVED BY
SECRETARY PUR
TO JT. RULE
309

Amendments Adopted

LD 1361 proposed to allow limited numbers of video lottery terminals to be placed at licensed commercial racetracks and licensed off-track wagering facilities in the State. Terminal revenues would support the State's General Fund, harness racing purses, the Agricultural Fair Support Fund, the local municipalities where the terminals would be located, the licensee and the prevention and treatment of problem gambling. Broad enforcement and rule-making authority would be assigned to the Maine State Lottery Commission and the Maine State Police.

Committee Amendment "A" (S-256) which was not adopted, proposed to change the bill by striking a commercial track as an entity eligible for a video lottery terminal license. If a commercial track operates an off-track betting facility, that facility would be eligible to be licensed to operate video lottery terminals. Under the amendment, commercial tracks would have first right of refusal for any new off-track betting facility license. Off-track betting facilities would still be eligible for video lottery terminal licenses under this amendment. Under this

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amendment, an off-track betting facility would be permitted to change its location within 10 miles of its current location with the consent of all off-track betting facilities and commercial tracks within 50 miles.

House Amendment "A" to Committee Amendment "A" (H-561) which was not adopted, proposed to prohibit video lottery terminal distributors, video lottery terminal manufacturers and video lottery terminal wholesalers from being licensed as operators. This amendment proposed to remove language that would have granted commercial tracks the right of first refusal for any new off-track betting facility license. The amendment proposed to require that a video lottery terminal be linked to the central computer system prior to the commercial operation of that video lottery terminal.

LD 1536 An Act To Authorize the State to Establish a Multijurisdictional Lottery or Lottery Games ONTP

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| Sponsor(s) GAGNON | Committee Report ONTP | Amendments Adopted |
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LD 1536 proposed to authorize the Director of the Bureau of Alcoholic Beverages and Lottery Operations, with the approval of the State Liquor and Lottery Commission, to enter into an agreement with a multijurisdictional lottery association to operate, market and promote a joint lottery or lottery games with other jurisdictions.

Although LD 1536 was not enacted, the substance of this bill was included in budget bill LD 1919.

LD 1603 Resolve, Authorizing Michaela Corbin-Bumford To Sue the State ONTP

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| Sponsor(s) | Committee Report ONTP | Amendments Adopted |
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This resolve proposed to authorize Michaela Corbin-Bumford to sue the State for damages resulting from alleged wrongful removal from her home by the Department of Human Services. The maximum amount of any recovery in the lawsuit would be limited to \$400,000.

LD 1613 Resolve, Authorizing Germaine Bell To Sue the State DIED ON ADJOURNMENT

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| Sponsor(s) GAGNON | Committee Report OTP-AM MAJ ONTP MIN | Amendments Adopted |
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LD 1613 proposed to authorize Germaine Bell to bring a civil action against the State for damages in connection with services she received from the Department of Human Services.

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Committee Amendment "A" (S-360) proposed to replace the resolve. The amendment proposed to clarify that the resolve authorizes a suit against the Department of Human Services and constitutes a waiver of the State's defense of sovereign immunity. The amendment would also clarify that the maximum amount of any recovery would be \$400,000, pursuant to the limits of the Maine Tort Claims Act. The amendment proposed to direct the Attorney General and the Department of Human Services to conduct settlement negotiations to resolve the dispute to the extent possible.

LD 1639

An Act To Make Polling Places More Convenient

PUBLIC 569

Sponsor(s)
PERCY

Committee Report
OTP-AM

Amendments Adopted

The purpose of this proposed bill was to provide a town with the option to conduct an election at the usual locations instead of at a single location when a town meeting is being conducted for the exclusive purpose of voting by secret ballot. A change was not proposed for secret ballot voting occurring in conjunction with a town meeting for other purposes. This procedure, as proposed, would be optional, so that no town would be required to assume additional cost.

Committee Amendment "A" (H-698) which was not adopted, proposed to add an emergency preamble and clause to the bill.

Enacted Law Summary

Public Law 2003, chapter 569 provides a town with the option to conduct an election at the usual locations instead of at a single location when a town meeting is being conducted for the exclusive purpose of voting by secret ballot.

LD 1643

**An Act To Promote Fairness for Small Businesses That Serve
Alcoholic Beverages**

ONTP

Sponsor(s)
BRUNO

Committee Report
ONTP

Amendments Adopted

LD 1643 proposed to allow a restaurant that has been licensed to sell spirits, wine or malt liquor for consumption on the premises of the restaurant to obtain a license to also sell wine and malt liquor to be consumed off the premises of the restaurant.

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LD 1690

An Act To Authorize the STARBASE Program

PUBLIC 590

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| Sponsor(s) DOUGLASS | Committee Report OTP-AM | Amendments Adopted S-423 |
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LD 1690 proposed to authorize the establishment of a STARBASE program in this State. STARBASE is a science, mathematics and technology academic enrichment program funded by the federal Department of Defense.

Committee Amendment "A" (S-423) proposed to replace the bill. The amendment proposed to retain the provision of the bill that establishes the STARBASE program. The amendment proposed to remove the provision of the bill that authorizes the Adjutant General to contract with public and private entities to operate the program. The amendment proposed to retain and clarify the provision of the bill that authorizes the Adjutant General to hire a director and other employees to operate the program. The amendment proposed to remove the retroactivity clause from the bill.

Enacted Law Summary

Public Law 2003, chapter 590 authorizes the establishment of a STARBASE program in this State. STARBASE is a science, mathematics and technology academic enrichment program funded by the federal Department of Defense. The law authorizes the Adjutant General to hire a director and other employees to operate the program.

LD 1699

An Act To Establish the Maine Military Family Relief Fund

INDEF PP

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| Sponsor(s) GAGNON LANDRY | Committee Report OTP-AM | Amendments Adopted S-438 |
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LD 1699 proposed to establish the Maine Military Family Relief Fund through a voluntary income tax check off to provide grants to families of members of the Maine National Guard or Reserves of the Armed Forces of the United States who have been called to duty. The bill proposed to authorize the Adjutant General to adopt rules to administer the fund according to rules adopted by the commissioner.

Committee Amendment "A" (S-438) proposed to add a \$1 contribution option for the Maine Military Family Relief Fund to the income tax return form. The amendment proposed to change the start of the fund from the 2005 tax year to the 2004 tax year. The amendment also proposed to specify that the Governor as Commander in Chief has rulemaking authority for the fund.

Although LD 1699 was not enacted, the substance of this bill was incorporated in LD 1724.

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LD 1710

**An Act To Allow Towns To Consolidate for the Purpose of
Establishing a Voting Place**

ONTP

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| Sponsor(s) STANLEY MCLAUGHLIN | Committee Report ONTP | Amendments Adopted |
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LD 1710 proposed to allow towns with populations of 4,000 or less to consolidate for the purposes of establishing one voting place for all the consolidated towns.

LD 1728

**An Act To Amend the Penalty Provisions and Reporting Deadlines
of the Campaign Reports and Finances Laws**

PUBLIC 628

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| Sponsor(s) GAGNON | Committee Report OTP-AM MAJ OTP-AM MIN | Amendments Adopted S-470 |
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LD 1728

Part A of this bill provides greater flexibility to the Commission on Governmental Ethics and Election Practices to reduce the statutory penalties for the late filing of campaign finance reports. In addition, the bill authorizes the commission to assess penalties for certain violations for which current law prescribes only criminal sanctions.

Part B of this bill shortens the deadline for the reporting of large campaign contributions and expenditures from within 48 hours of the contribution or expenditure to within 24 hours.

Committee Amendment "A" (S-470) This amendment proposed to remove the Class E crime designation to the failure of a candidate or treasurer to file required campaign finance reports. It proposed to replace that provision by stating that the failure to file a report is subject to the same penalties as for failing to file a report on time. The amendment also proposed to make technical changes to the bill to clarify penalty provisions for party committees that fail to file a report or fail to file a report on time by correcting cross-references. It would also amend the bill to reinstate a schedule for municipal, district and county party committees to file campaign finance reports that was inadvertently repealed in a bill passed during the First Regular Session of the 121st Legislature.

Committee Amendment "B" (S-471) This amendment proposed to make technical changes to the bill to clarify penalty provisions for party committees that fail to file a report or fail to file a report on time by correcting cross-references. It also proposed to reinstate a schedule for municipal, district and county party committees to file campaign finance reports that was inadvertently repealed in a bill passed during the First Regular Session of the 121st Legislature.

Enacted Law Summary

Public Law 2003, chapter 628 provides greater flexibility to the Commission on Governmental Ethics and Election Practices to reduce the statutory penalties for the late filing of campaign finance reports. It removes the Class E crime designation from the failure of a candidate or treasurer to file required campaign finance reports. It replaces

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that provision by stating that the failure to file a report is subject to the same penalties as for failing to file a report on time. It also makes technical changes to the bill to clarify penalty provisions for party committees that fail to file a report or fail to file a report on time by correcting cross-references. It also reinstates a schedule for municipal, district and county party committees to file campaign finance reports that was inadvertently repealed in a bill passed during the First Regular Session of the 121st Legislature. Finally, chapter 628 shortens the deadline for the reporting of large campaign contributions and expenditures from within 48 hours of the contribution or expenditure to within 24 hours.

LD 1752

An Act To Update Laws Affecting the Military

PUBLIC 583

| | | |
|------------|------------------|--------------------|
| Sponsor(s) | Committee Report | Amendments Adopted |
| CLARK | OTP-AM | H-752 |
| CANAVAN | | |

LD 1752 proposed to make the following changes to laws pertaining to the Department of Defense, Veterans and Emergency Management.

1. Change the number of consecutive days of active state service required for Maine National Guard members to be eligible to participate in the Maine State Retirement System from 15 to 5.
2. Provide for the extension of temporary guardianship until 30 days after active duty orders expire for a child whose parent is a member of the Reserves, is on active duty for more than 30 days, and has been ordered to duty without consent or ordered to duty during a period of war or national emergency.
3. Repeal the law that allows a commissioned officer of the National Guard to retire from service at one grade higher than the grade that he or she earned.
4. Repeal the authority of a commanding officer of troops to order the closing of a place where intoxicating beverages, arms, ammunition, or explosives are sold.
5. Amend the law regarding tax exemptions for property owned or leased by the military bureau.
6. Amend the law regarding paid leave provided to state employees who are members of the National Guard or the Reserves, so that eligibility criteria for the paid leave specifies that the member is performing military duty rather than military training.

Committee Amendment "A" (H-752) proposed to clarify that the provision of the bill regarding extension of temporary guardianship applies to members of the National Guard as well as members of the Reserves of the United States Armed Forces. The amendment also proposed to add a provision to make the same clarification in the provision of law regarding extension of power of attorney. The amendment proposed to eliminate the provision of the bill that amends the tax exemption for military property.

Enacted Law Summary

Public Law 2003, chapter 583 makes the following changes to laws pertaining to the Department of Defense, Veterans and Emergency Management.

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1. Changes the number of consecutive days of active state service required for Maine National Guard members to be eligible to participate in the Maine State Retirement System from 15 to 5.
2. Provides for the extension of temporary guardianship until 30 days after active duty orders expire for a child whose parent is a member of the National Guard or the Reserves of the United States Armed Forces, is on active duty for more than 30 days, and has been ordered to duty without consent or ordered to duty during a period of war or national emergency.
3. Clarifies that the extension of power of attorney until 30 days after active duty orders expire for a child who is on active duty for more than 30 days, and has been ordered to duty without consent or ordered to duty during a period of war or national emergency, applies to members of the National Guard as well as members of the Reserves of the United States Armed Forces.
4. Repeals the law that allows a commissioned officer of the National Guard to retire from service at one grade higher than the grade that he or she earned.
5. Repeals the authority of a commanding officer of troops to order the closing of a place where intoxicating beverages, arms, ammunition, or explosives are sold.
6. Amends the law regarding paid leave provided to state employees who are members of the Guard or the Reserves, so that eligibility criteria for the paid leave specifies that the member is performing military duty rather than military training.

LD 1755

An Act To Amend the Election Laws

PUBLIC 584

Sponsor(s)
CLARK

Committee Report
OTP-AM

Amendments Adopted
H-753

LD 1755 proposed to designate a voter's signature and identification number, which are used as unique identifiers in the centralized voter registration system, as nonpublic records that would be available for inspection only by certain persons. The bill proposed to decrease from 5 years to 2 years the time that voter registration records must be kept for a voter whose name has been removed from the voting list. LD 1755 proposed to clarify that voters who register in person before the municipal registrar of voters must complete an application that contains the information required in the Maine Revised Statutes, Title 21-A, section 152 or 154. The bill would remove the restriction that a student election clerk may assist a voter only if the voter specifically requests assistance from the student election clerk. It would remove obsolete language specifying the format of the write-in spaces for a presidential preference primary ballot and delete the requirement that nominees' names must appear on a ballot in block capital letters. LD 1755 proposed to add a requirement that the notice of election must be posted at the polls on election day, in compliance with the federal Help America Vote Act of 2002. The bill proposed to allow the election officials to open the packages of official ballots one hour before the polls open, instead of the 1/2 hour that is currently specified, and would clarify that the election clerk in charge of the incoming voting list may make a horizontal red line beside the voter's name on the voting list to indicate that a voter has voted. Finally, the bill proposed to remove an obsolete reference to a repealed provision of law.

Committee Amendment "A" (H-753) proposed to strike a section in the bill that states that voter signatures and identification numbers are not public records. The amendment proposed that voter signatures and identification

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numbers and associated records are not public records in electronic format but are public records when in a printed hard-copy format.

Enacted Law Summary

Public Law 2003, chapter 584 designates the electronic form of a voter's signature and identification number, which are used as unique identifiers in the centralized voter registration system, as nonpublic records that will be available for inspection only by certain persons. Hard copies of voter signatures and identification numbers and associated records are public records. Chapter 584 decreases from 5 years to 2 years the time that voter registration records must be kept for a voter whose name has been removed from the voting list.

It clarifies that voters who register in person before the municipal registrar of voters must complete an application that contains the information required in the Maine Revised Statutes, Title 21-A, section 152 or 154. The law removes the restriction that a student election clerk may assist a voter only if the voter specifically requests assistance from the student election clerk and removes obsolete language specifying the format of the write-in spaces for a presidential preference primary ballot and deletes the requirement that nominees' names must appear on a ballot in block capital letters. Chapter 584 adds a requirement that the notice of election must be posted at the polls on election day, in compliance with the federal Help America Vote Act of 2002. The law allows election officials to open the packages of official ballots one hour before the polls open, instead of the 1/2 hour that is currently specified and clarifies that the election clerk in charge of the incoming voting list may make a horizontal red line beside the voter's name on the voting list to indicate that a voter has voted.

LD 1759

An Act To Ensure the Accurate Counting of Votes

PUBLIC 651

| Sponsor(s) | Committee Report | Amendments Adopted |
|------------|------------------|--------------------|
| PINGREE | OTP-AM MAJ | H-842 |
| MAYO | ONTP MIN | |

LD 1759 proposed to set standards for voting machines and would provide that each statewide election may be followed within 120 hours of the closing of polls by a manual vote recount of up to 2% of voting places that use voting machines, selected at random, to be performed as an audit of the accuracy of the machines. The bill proposed to prohibit the connection of any voting district via the Internet to central vote collection equipment and prohibit the use of the Internet for the casting of votes online.

Committee Amendment "A" (H-842) proposed to replace the bill. It would define "direct recording electronic voting machine," "mechanical lever voting machine" and "punch card voting machine." The amendment would require that any voting machine used in the State produce a paper audit trail. It also proposed to ban the use of mechanical lever voting machines and punch card voting machines. The amendment proposed to further prohibit the networking of voting machines and prohibits Internet voting.

The amendment proposed to require the Secretary of State to report to the joint standing committee of the Legislature having jurisdiction over statewide election matters by January 15, 2005 on the progress made to implement the accessible voting equipment requirements of the federal Help America Vote Act of 2002. The amendment would also place a moratorium on the purchase and approval of direct recording electronic voting machines, or other voting systems equipped for individuals with disabilities, until March 1, 2005.

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Enacted Law Summary

Public Law 2003, chapter 651 defines "direct recording electronic voting machine," "mechanical lever voting machine" and "punch card voting machine." It requires that any voting machine used in the State produce a paper audit trail. It also bans the use of mechanical lever voting machines and punch card voting machines. Chapter 651 further prohibits the networking of voting machines and prohibits Internet voting. This law requires the Secretary of State to report to the joint standing committee of the Legislature having jurisdiction over statewide election matters by January 15, 2005 on the progress made to implement the accessible voting equipment requirements of the federal Help America Vote Act of 2002. It also places a moratorium on the purchase and approval of direct recording electronic voting machines, or other voting systems equipped for individuals with disabilities, until March 1, 2005.

LD 1820

An Act To Establish the Gambling Control Board To License and Regulate Slot Machines at Commercial Harness Racing Tracks

PUBLIC 687

| Sponsor(s) | Committee Report | Amendments Adopted |
|------------|------------------|--------------------------|
| LEMOINE | OTP-AM MAJ | H-868 |
| GAGNON | OTP-AM MIN | S-515 MAYO S-519 MAYO |

LD 1820 proposed to effectively amend Initiated Bill 2003, chapter 1 as approved by the voters at referendum in November 2003, which allowed for the operation of slot machines by certain persons licensed to operate commercial harness horse racing tracks.

Part A of the bill proposed to establish the Gambling Control Board within the Department of Public Safety to regulate the operation, distribution and maintenance of slot machines and the facilities at which those slot machines are located. The Gambling Control Board would consist of 5 members who would serve staggered 3-year terms and who would be appointed by the Governor. The bill would maintain the eligibility criteria for slot machine operators, but would also establish licensing criteria applicable to all potential slot machine operators, thereby eliminating the initiated bill's automatic licensing provisions. The bill proposed to strengthen the harness horse track transfer regulations contained in the initiated bill. The bill would create a framework through which the Gambling Control Board would regulate and monitor slot machine operators, distributors and gambling-related vendors and service providers.

Part A proposed to maintain the distribution of the gross income from slot machines, which is income after payback to players, as proposed in the initiated bill. However, the bill proposed to allow the Commissioner of Administration and Financial Services to establish a "compensation percentage." The compensation percentage would be defined as a percentage of the gross income necessary to compensate the State for all administrative, regulatory and economic costs associated with slot machine operations. In addition, the Commissioner of Administration and Financial Services would be permitted to award "impact fees" to off-track betting and high-stakes beano operators that demonstrate adverse effects on their businesses as a direct result of the introduction of slot machine operations.

Part A would restrict the number of slot machines to that required to maintain the vitality of Maine's harness horse racing industry, as determined by the Gambling Control Board. The number would be limited to 1,500 slot

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machines at any one location and 3,000 slot machines statewide. The bill proposed to require slot machine operators to continue harness horse racing for the term of their licenses.

Part A proposed to establish a minimum payback percentage of 90% and to require that a person under 21 years of age be prohibited from playing a slot machine.

Part A further proposed to specify that slot machines and associated equipment, as those terms are defined, would be exempt from inclusion in the Business Equipment Tax Reimbursement program established in Title 36, chapter 915.

Part B of this bill proposed to extinguish any rights that may have arisen under Initiated Bill 2003, chapter 1 retroactive to January 3, 2004, the effective date of the initiated bill.

Committee Amendment "A" (H-868) was the majority report of the committee. This amendment proposed to require that membership qualifications of the Department of Public Safety, Gambling Control Board as proposed in the bill include experience in the harness racing industry. It would provide for municipal approval for the renewal of a slot machine license. Municipal decisions would be subject to appeal to the Gambling Control Board. The requirement that nongambling service vendors and their employees be licensed by the Gambling Control Board would be removed under this amendment. The amendment also proposed to strengthen the on-line monitoring of slot machines required in the bill by specifying that slot machines be controlled by a central site computer system operated by the State. The amendment would require, as a condition of the slot machine operator license, that the operator enter into an agreement with the host municipality that provides for revenue sharing and a security plan for the licensed slot machine facility. The amendment proposed to establish initial application fees for slot machine operators and distributors of \$200,000 and for registration of slot machines of \$100. Renewal fees would be determined by the board to cover costs of administration of licensing and registrations. For slot machine operators, there would be an additional renewal fee of \$75,000, \$25,000 of which would go directly to the host municipality, with the remainder going to the General Fund. The amendment also proposed to require that the Gambling Control Board take final action on applications for slot machine licenses no later than September 30, 2004. It proposed to reduce the payback percentage to players from 90% to 89% and would allocate the 1% to the General Fund for administrative costs of the board. It proposed to reduce the total number of slot machines that may be registered in the State to 1,500 slot machines. Finally, the amendment changes the allocation of gross slot machine income so that the operator retains 61% and the remaining 39% is distributed as follows:

1. Three percent to the General Fund for administrative expenses of the board, including gambling addiction counseling services;
2. Ten percent to supplement harness racing purses;
3. Three percent to the Sire Stakes Fund;
4. Three percent to the Agricultural Fair Support Fund;
5. Ten percent to the Fund for a Healthy Maine for prescription drug benefits;
6. Two percent for University of Maine System scholarships;
7. One percent for Maine Community College System scholarships;
8. Four percent to the Fund to Encourage Racing at Maine's Commercial Tracks;

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9. Two percent to the Fund to Stabilize Off-track Betting Facilities, to be reduced to 1% after 4 years with the remaining 1% going back to the General Fund; and
10. One percent to the host municipality.

Committee Amendment "B" (H-869) was the minority report of the committee and was not adopted. This amendment adopted most of the provisions of the majority amendment with some exceptions. This amendment proposed to require that membership qualifications of the Department of Public Safety, Gambling Control Board as proposed in the bill include experience in the harness racing industry. It would provide for municipal approval for the renewal of a slot machine license. Municipal decisions would be subject to appeal to the Gambling Control Board. The requirement that nongambling service vendors and their employees be licensed by the Gambling Control Board would be removed in this amendment. The amendment would also strengthen the on-line monitoring of slot machines required in the bill by specifying that slot machines be controlled by a central site computer system operated by the State. The amendment proposed to require, as a condition of the slot machine operator license, that the operator enter into an agreement with the host municipality that provides for revenue sharing and a security plan for the licensed slot machine facility. The amendment would establish initial application fees for slot machine operators and distributors of \$200,000 and for registration of slot machines of \$100. Renewal fees would be determined by the board to cover costs of administration of licensing and registrations. For slot machine operators, there would be an additional renewal fee of \$75,000, \$25,000 of which would go directly to the host municipality, with the remainder going to the General Fund. The amendment also proposed to require that the Gambling Control Board take final action on applications for slot machine licenses no later than September 30, 2004.

This amendment differs from the majority report in that it would require that commercial tracks conduct a minimum number of race dates as a condition of maintaining the operation of slot machines. It proposed to remove the provision of the bill that required gambling services vendor employees to be licensed by the Gambling Control Board and instead authorized the board to issue work permits to employees per rules adopted by the board. It also proposed to reduce the statewide limit on the number of slot machines to be licensed in the State as proposed in the bill from 3,000 to 1,500. Finally, the amendment would change the allocation of gross slot machine income so that the operator retains 63% and the remaining 37% would be distributed as follows:

1. Four percent to the General Fund for administrative expenses of the board, including gambling addiction counseling services;
2. Seven percent to supplement harness racing purses;
3. One percent to the Sire Stakes Fund;
4. Three percent to the Agricultural Fair Support Fund;
5. Fourteen percent to the Fund for a Healthy Maine for prescription drug benefits;
6. Four percent for University of Maine System scholarships; and
7. Four percent for Maine Community College System scholarships.

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House Amendment "A" (H-891) which was not adopted, proposed to change the bill in 2 ways.

1. It would add Part D, that proposed to allow the voters of Maine at referendum to determine whether they want:
 - A. Slot machines at commercial harness racing tracks as amended by LD 1820 and any accompanying amendments;
 - B. Slot machines at commercial harness racing tracks as enacted by citizen's initiative approved by the voters of Maine on November 4, 2003 and without the changes proposed in LD 1820 and any accompanying amendments; or
 - C. No slot machines at commercial harness racing tracks by repealing the law enacted by citizen's initiative.
2. It proposed to add a new Part C to the bill that would repeal all the authorization for slot machines at commercial harness racing tracks. Part C would take effect only if Question C passed.

House Amendment "A" to Committee Amendment "A" (H-879) which was not adopted, proposed to create a new fund, the Harness Racing Stabilization Fund, into which 6% of the total gross slot machine income would be deposited. The new fund would serve as a source of revenue for licensed commercial tracks and off-track betting facilities who apply to the Gambling Control Board for financial assistance payments. The board, by major substantive rulemaking, would be required to establish criteria that the commercial track or off-track betting facility must meet in order to be eligible for financial assistance payments. One criterion that an off-track betting facility must meet would be a showing of loss of revenue due to the presence of licensed slot machines in the State. The board would determine whether the track or off-track betting facility has met the criteria and the amount of the financial assistance payment. The commercial track or off-track betting facility would be required to apply annually for a financial assistance payment.

Under this proposed amendment, the financial assistance payments cease when all commercial tracks and off-track betting facilities have slot machines, including electronic video machines, or the board determines that financial assistance payments are no longer necessary, whichever occurs first. When the financial assistance payments cease, or if the amount of payments to the fund exceeds the amount of financial assistance payments, the money allocated to the fund would lapse to the General Fund.

House Amendment "B" to Committee Amendment "A" (H-893) which was not adopted, proposed to reduce the maximum number of slot machines that may be registered in the State from 1,500 as proposed in Committee Amendment A to 50. This amendment proposed to increase the maximum number of slot machines to 1,500 beginning January 1, 2005 if the increase is approved at a referendum to be held in November 2004.

House Amendment "C" to Committee Amendment "A" (H-894) which was not adopted, proposed to remove the Fund to stabilize off-track betting facilities and instead distribute that 2% of the gross slot machine income to the Maine Tribal Fund, to be administered by the Department of Economic and Community Development in consultation with the council of the Penobscot Nation, the Joint Tribal Council of the Passamaquoddy Tribe and the council of the Houlton Band of Maliseet Indians to expand housing and access to health care for Maine's Indian tribes and economic development of the territories of Maine's Indian tribes.

House Amendment "D" to Committee Amendment "A" (H-895) which was not adopted, proposed to change the allocation of the total gross slot machine income by reducing the amount retained by slot machine operators by 3%, increasing to 42% the percentage of total gross slot machine income that slot machine operators would be

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required to distribute. The additional 3% would be distributed evenly between the Maine Residents Property Tax Program and municipal general assistance programs.

House Amendment "E" to Committee Amendment "A" (H-896) which was not adopted, proposed to create the Fund to Encourage Racing at Maine's Commercial Tracks and distribute 4% of the gross slot machine income to this fund.

This amendment proposed to remove the fund and the distribution to that fund and instead increase the distribution to the University of Maine System Scholarship Fund by one percent to 3% and the Maine Community College System to fund scholarships by one percent to 2%. The balance, 2%, would be distributed to the program established to provide low-cost prescription and nonprescription drugs, medication and medical supplies to disadvantaged, elderly and disabled individuals.

House Amendment "F" to Committee Amendment "A" (H-897) which was not adopted, proposed to provide for an additional distribution of 4% of the total gross slot machine income, which would be required to be deposited in the General Fund, thus increasing the percentage of the total gross slot machine income distributed by slot machine operators to 43%.

House Amendment "G" to Committee Amendment "A" (H-898) which was not adopted, proposed to reduce the allocation to the Fund to Stabilize Off-track Betting Facilities to 1% and allocate the other 1% to the Governor Baxter School for the Deaf Compensation Fund.

The amendment would also add an appropriations and allocations section.

Senate Amendment "A" (S-519) which was adopted, proposed to prohibit the use of a credit card or debit card to play slot machines.

Senate Amendment "C" to Committee Amendment "A" (S-515) which was adopted, proposed to require the Gambling Control Board to use a central site monitoring system that, in addition to having other features determined necessary by the board, would have the ability to support all slot machines licensed for operation in the State, including progressive slot machines, use a widely accepted gaming industry protocol to facilitate slot machine manufacturers' ability to communicate with the central site monitoring system, allow the slot machine operator to install independent player tracking systems and have backup components. In selecting the central site monitoring system, the board would be required to select the system with the lowest overall cost that meets these requirements. As proposed in this amendment, if the board contracts with a 3rd party to operate the central site monitoring system, that 3rd party must meet the same suitability requirements as others seeking to obtain a license for gambling-related activities.

Enacted Law Summary

Public Law 2003 chapter 687 amends Initiated Bill 2003, chapter 1 as approved by the voters at referendum in November 2003, which allowed for the operation of slot machines at commercial harness racing tracks.

Public Law 2003, chapter 687 provides that commercial tracks are eligible for a slot machine license if the municipality where the slots will be operated approved the operation of slot machines at referendum by December 31, 2003. Under this law, a commercial track with a slot machine license must continue to conduct harness racing as a condition of operating slot machines. The initial license for slot machine operators and distributors is \$200,000 with an additional fee for operators of \$75,000, \$25,000 of which goes directly to the host municipality.

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This law provides for municipal approval for the renewal of a slot machine license requires the slot machine operator to enter into an agreement with the host municipality that provides for the revenue sharing and security plan for the licensed facility.

Public Law 2003, chapter 687 creates a five-member Gambling Control Board within the Department of Public Safety to regulate the operation, distribution, maintenance and licensing of slot machines at commercial harness racing tracks. Members of the Gambling Control Board are appointed by the Governor and approved by the Senate. This law creates a framework through which the board will regulate and monitor slot machine operators, distributors and gambling service providers and their employees. The board must employ a central site monitoring system that allows only the board or its contractors to program the machines as part of the regulatory framework. This system must be compatible with all slot machines licensed for operation in the state and use widely accepted gaming industry protocol to facilitate the slot machine manufacturers ability to communicate with the central monitoring system.

Under this law the total number of slot machines that may be registered in the state is 1500. The payback percentage to the players must be 89% and the use of credit or debit cards to play slot machines is prohibited. One percent of the amount deposited by persons playing the slot machines, the “coin-in”, must be allocated to the General Fund for the administrative costs of the Gambling Control Board. The remaining 10%, the total gross slot machine income, is divided as follows:

Sixty-one percent to the slot machine operator;

Three percent to the General Fund for administrative expenses of the board, including gambling addiction counseling services;

Ten percent to supplement harness racing purses;

Three percent to the Sire Stakes Fund;

Three percent to the Agricultural Fair Support Fund;

Ten percent to the Fund for a Healthy Maine for prescription drug benefits;

Two percent for University of Maine System scholarships;

One percent for Maine Community College System scholarships;

Four percent to the Fund to Encourage Racing at Maine's Commercial Tracks;

Two percent to the Fund to Stabilize Off-track Betting Facilities, to be reduced to 1% after 4 years with the remaining 1% going back to the General Fund; and

One percent to the host municipality.

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LD 1868

Resolve, Regarding Legislative Review of Portions of Chapter 1: Procedures and Portions of Chapter 3: Maine Clean Election Act and Related Provisions, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices

RESOLVE 136

| Sponsor(s) | Committee Report | Amendments Adopted |
|------------|------------------|----------------------------|
| | OTP-AM MAJ | H-835 |
| | OTP-AM MIN | S-503 GAGNON S-504 MAYO |

LD 1868 proposed to provide for legislative review of portions of Chapter 1: Procedures and portions of Chapter 3: Maine Clean Election Act and Related Provisions, major substantive rules of the Commission on Governmental Ethics and Election Practices.

Committee Amendment "A" (H-835) was the majority report of the committee and proposed to authorize final adoption of portions of Chapter 1: Procedures and portions of Chapter 3: Maine Clean Election Act and Related Provisions with the following changes.

1. In Chapter 1, section 5, with regard the to the advance purchases of goods and services, the language must be changed to require that consulting services or the design, printing or distribution of campaign literature or advertising contracted or paid for prior to the primary election must be received prior to the primary election. The provision must also require that if a preponderance of the items purchased during the primary election cycle are used during the general election cycle, then the candidate or any other person required to file a report to the Commission on Governmental and Ethics and Election Practices shall report these as expenditures made during the general election cycle.
2. In Chapter 3, section 6, subsection 4, with regard to distribution of funds to certified Maine Clean Election Act candidates, subparagraphs (1) and (2) under paragraph A must be changed to state that if the preponderance of consulting services or the design, printing or distribution of campaign literature and advertising purchased prior to the primary election by an opponent of a certified Maine Clean Election Act candidate are used for the general election, then the certified Maine Clean Election Act candidate is entitled to a corresponding amount of matching funds.

Committee Amendment "B" (H-836) was the minority report of the committee and was not adopted. It proposed to authorize final adoption of the major substantive portions of Chapter 1: Procedures and portions of Chapter 3: Maine Clean Election Act and Related Provisions with the following changes:

1. In Chapter 1, section 5, with regard to the advance purchases of goods and services, the language must be changed to require that consulting services or the design, printing or distribution of campaign literature or advertising contracted or paid for prior to the primary election must be received prior to the primary election. The provision must also require that if a preponderance of the items purchased during the primary election cycle are used during the general election cycle, then the candidate or any other person required to file a report to the Commission on Governmental Ethics and Election Practices shall report these purchases as expenditures made during the general election cycle. This reporting requirement would also apply to certified Maine Clean Election Act candidates.

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2. In Chapter 3, section 6, subsection 4, with regard to distribution of funds to certified Maine Clean Election Act candidates, subparagraphs (1) and (2) under paragraph A must be changed to state that if the preponderance of consulting services or the design, printing or distribution of campaign literature and advertising purchased prior to the primary election by an opponent of a certified Maine Clean Election Act candidate are used for the general election, then the certified Maine Clean Election Act candidate is entitled to a corresponding amount of matching funds. The language must also require that if a certified Maine Clean Election Act candidate uses a preponderance of the goods and services purchased prior to the primary election during the general election, then that candidate's initial General Fund distribution must be reduced by that amount.
3. The commission shall include in the rules that when reporting expenditures for fund-raising activities, a report must indicate the net proceeds of those activities. With regard to matching funds to a certified Maine Clean Election Act candidate, only the net proceeds of fund-raising activities may be used to calculate matching funds.
4. The effective date of rules adopted in accordance with this resolve may not be until after the 2004 general election.

Senate Amendment "A" (S-503) proposed to remove the emergency preamble and the emergency clause.

Senate Amendment "A" to Committee Amendment "A" (S-504) proposed to specify that the effective date of the rules adopted in accordance with this resolve may not be until January 1, 2005.

Enacted Law Summary

Resolve 2003, chapter 136 authorizes final adoption and directs the Commission on Governmental Ethics and Election Practices to make the following changes to its major substantive rules:

1. In Chapter 1, section 5, with regard the to the advance purchases of goods and services, the language must be changed to require that consulting services or the design, printing or distribution of campaign literature or advertising contracted or paid for prior to the primary election must be received prior to the primary election. The provision must also require that if a preponderance of the items purchased during the primary election cycle are used during the general election cycle, then the candidate or any other person required to file a report to the Commission on Governmental and Ethics and Election Practices shall report these as expenditures made during the general election cycle.
2. In Chapter 3, section 6, subsection 4, with regard to distribution of funds to certified Maine Clean Election Act candidates, subparagraphs (1) and (2) under paragraph A must be changed to state that if the preponderance of consulting services or the design, printing or distribution of campaign literature and advertising purchased prior to the primary election by an opponent of a certified Maine Clean Election Act candidate are used for the general election, then the certified Maine Clean Election Act candidate is entitled to a corresponding amount of matching funds.

Chapter 136 further specifies that the effective date of the rules adopted in accordance with this resolve may not be until after January 1, 2005.

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LD 1881

An Act To Amend the Law Governing the Storage of Spirits

PUBLIC 639

Sponsor(s)
MAYO
CLARK

Committee Report
OTP-AM

Amendments Adopted
S-469

LD 1881 proposed to establish an off-site storage facility license to allow an agency liquor store with a federal and state license permitting the agency liquor store to sell spirits to an on-premise licensee licensed for on-premises consumption to maintain a facility for the storage of spirits. The facility would be permitted to be used only for the storage of spirits and other reselling-related activities. Such an agency liquor store would be permitted to maintain only one off-site storage facility.

Committee Amendment "A" (S-469) proposed to specify that an off-site storage facility may be used only for the storage of spirits and that the sale of spirits to on-premises licensees must be transacted at the retail store location. It also proposed to provide that a licensed reselling agent's off-site storage facility must be located within 30 miles of the retail store location.

Enacted Law Summary

Public Law 2003, chapter 639 establishes an off-site storage facility license to an agency liquor store with a federal and state license permitting the agency liquor store to sell spirits to an on-premise licensee licensed for on-premises consumption. It specifies that an off-site storage facility may be used only for the storage of spirits and that the sale of spirits to on-premises licensees must be transacted at the retail store location. It also requires that a licensed reselling agent's off-site storage facility must be located within 30 miles of the retail store location. Such an agency liquor store may maintain only one off-site storage facility.

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